

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 532**

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**Introduced by Senator Leyva**

February 26, 2015

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An act to amend Section ~~67334~~ 35012 of the Education Code, relating to ~~postsecondary education~~. *school districts*.

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as amended, Leyva. ~~Postsecondary education: Higher Education Facilities Bond Act program. Governing boards of school districts: nonvoting and preferential voting pupil members.~~

(1) Existing law requires the governing board of a school district maintaining one or more high schools to appoint to its membership one or more nonvoting pupil members if pupils petition the governing board to make those appointments.

This bill would require the governing board of a school district to appoint the pupil member or members within 60 days of receiving the petition, or at its next regularly scheduled meeting if no meeting is held within those 60 days, as specified.

The bill would require a unanimous vote of all voting board members to eliminate the nonvoting or preferential voting pupil member position from the governing board of a school district, and would require the decision, and reasons for the decision, to be listed as a public agenda item for a meeting of the governing board of the school district.

Because the bill would require school districts to provide a higher level of service, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

*Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law establishes the segments of the public postsecondary education system in the state, including the University of California administered by the Regents of the University of California, the California State University administered by the Trustees of the California State University, and the California Community Colleges administered by the Board of Governors of the California Community Colleges.~~

~~The Higher Education Facilities Bond Act of 1988 authorizes the Higher Education Facilities Finance Committee to create a debt or debts, liability or liabilities, of the State of California, as specified, for the purpose of funding aid to the University of California, the California State University, the California community colleges, and the California Maritime Academy for specified purposes.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.  
 State-mandated local program: ~~no~~yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 35012 of the Education Code is amended  
 2     to read:

3     35012. (a) Except as otherwise provided, the governing board  
 4     of a school district shall consist of five members elected at large  
 5     by the qualified voters of the district. The terms of the members  
 6     shall, except as otherwise provided, be for four years and staggered  
 7     so that as nearly as practicable one-half of the members shall be  
 8     elected in each odd-numbered year.

9     (b) A unified school district may have a governing board of  
 10    seven members in the event the proposal for unification has  
 11    specified a governing board of seven members. The members of  
 12    the *governing* board shall be elected at large or by trustee areas as  
 13    designated in the proposal for unification and shall serve four-year  
 14    terms of office.

1 (c) Notwithstanding subdivision (a), and except as provided in  
2 this subdivision and Section 5018, the governing board of an  
3 elementary school district other than a union or joint union  
4 elementary school district shall consist of three members selected  
5 at large from the territory comprising the district. Whenever, in  
6 any such elementary school district the average daily attendance  
7 during the preceding fiscal year is 300 or more, the procedures  
8 prescribed by Section 5018 shall be undertaken.

9 (d) (1) (A) There may be submitted to the governing board of  
10 a school district maintaining one or more high schools a pupil  
11 petition requesting the governing board to appoint one or more  
12 nonvoting pupil members to the board pursuant to this section.

13 ~~There~~

14 (B) *There* may also be submitted to the governing board of a  
15 school district maintaining one or more high schools a pupil  
16 petition requesting the governing board to allow preferential voting  
17 for the pupil member or members of the board. This request may  
18 be made in the original petition for pupil representation on the  
19 board or in a separate petition after a pupil member or members  
20 have been appointed to the board.

21 ~~Whether~~

22 (2) *Whether* for pupil representation or for preferential voting  
23 for the pupil member or members, the petition shall contain the  
24 signatures of either (a) not less than 500 pupils regularly enrolled  
25 in high schools of the district, or (b) not less than 10 percent of  
26 the number of pupils regularly enrolled in high schools of the  
27 district, whichever is less. *Each fiscal year, and within 60 days of*  
28 *receipt of a petition for pupil representation, or at its next regularly*  
29 *scheduled meeting if no meeting is held within those 60 days, the*  
30 *governing board of a school district shall order the inclusion within*  
31 *the membership of the governing board, in addition to the number*  
32 *of members otherwise prescribed, at least one nonvoting pupil*  
33 *member. The governing board may order the inclusion of more*  
34 *than one nonvoting pupil member.*

35 ~~Upon~~

36 (3) *Upon* receipt of a petition for pupil representation, the  
37 governing board of a school district shall, commencing July 1,  
38 1976, and each year thereafter, order the inclusion within the  
39 membership of the governing board, in addition to the number of  
40 members otherwise prescribed, at least one nonvoting pupil

1 member. The *governing* board may order the inclusion of more  
 2 than one nonvoting pupil member.

3 ~~Upon~~

4 (4) (A) *Upon* receipt of a petition for preferential voting for the  
 5 pupil member or members, the governing board *of the school*  
 6 *district* shall allow preferential voting for the pupil member or  
 7 members of the governing board.

8 ~~Preferential~~

9 (B) *Preferential* voting, as used in ~~the~~ *this* section, means a  
 10 formal expression of opinion that is recorded in the minutes and  
 11 cast ~~prior to~~ *before* the official vote of the ~~governing board~~. *of the*  
 12 *school district*. A preferential vote ~~will~~ *shall* not serve in  
 13 determining the final numerical outcome of a vote. No preferential  
 14 vote ~~will~~ *shall* be solicited on matters subject to closed session  
 15 discussion.

16 ~~The~~

17 (5) *The* governing board *of the school district* may adopt a  
 18 resolution authorizing the nonvoting or preferential voting pupil  
 19 member or members to make motions that may be acted upon by  
 20 the governing board, except on matters dealing with  
 21 employer-employee relations pursuant to Chapter 10.7  
 22 (commencing with Section 3540) of Division 4 of Title 1 of the  
 23 Government Code.

24 ~~Each~~

25 (6) *Each* pupil member shall have the right to attend each and  
 26 all meetings of the governing ~~board~~, *board of the school district*,  
 27 except executive sessions.

28 ~~Any~~

29 (7) *Any* pupil selected to serve as a nonvoting or preferential  
 30 voting member of the governing board *of a school district* shall  
 31 be enrolled in a high school of the district, may be less than 18  
 32 years of age, and shall be chosen by the pupils enrolled in the high  
 33 school or high schools of the district in accordance with procedures  
 34 prescribed by the governing board. The term of a pupil member  
 35 shall be one year commencing on July 1 of each year.

36 ~~A~~

37 (8) *A* nonvoting or preferential voting pupil member shall be  
 38 entitled to the mileage allowance to the same extent as regular  
 39 members, but is not entitled to the compensation prescribed by  
 40 Section 35120.

1     **A**

2     (9) A nonvoting or preferential voting pupil member shall be  
3 seated with the members of the governing board *of the school*  
4 *district* and shall be recognized as a full member of the board at  
5 the meetings, including receiving all materials presented to the  
6 board members and participating in the questioning of witnesses  
7 and the discussion of issues.

8     **The**

9     (10) *The* nonvoting or preferential voting pupil member shall  
10 not be included in determining the vote required to carry any  
11 measure before the ~~board~~; *governing board of the school district*.

12     **The**

13     (11) *The* nonvoting or preferential voting pupil member shall  
14 not be liable for any acts of the governing ~~board~~; *board of the*  
15 *school district*.

16     (12) *A unanimous vote of all voting board members shall be*  
17 *required to eliminate the nonvoting or preferential voting pupil*  
18 *member position from the governing board of a school district.*  
19 *This decision, and reasons for the decision, shall be listed as a*  
20 *public agenda item for a meeting of the governing board.*

21     **SEC. 2.** *If the Commission on State Mandates determines that*  
22 *this act contains costs mandated by the state, reimbursement to*  
23 *local agencies and school districts for those costs shall be made*  
24 *pursuant to Part 7 (commencing with Section 17500) of Division*  
25 *4 of Title 2 of the Government Code.*

26     **SECTION 1.** ~~Section 67334 of the Education Code is amended~~  
27 ~~to read:~~

28     ~~67334. (a) The committee is hereby authorized to create a debt~~  
29 ~~or debts, liability or liabilities, of the State of California pursuant~~  
30 ~~to this chapter for the purpose of funding aid to the University of~~  
31 ~~California, the California State University, the California~~  
32 ~~community colleges, and the California Maritime Academy for~~  
33 ~~the construction, including the construction of buildings and the~~  
34 ~~acquisition of related fixtures, renovation, and reconstruction of~~  
35 ~~facilities, for the acquisition of sites upon which these facilities~~  
36 ~~are to be constructed, for the equipping of new, renovated, or~~  
37 ~~reconstructed facilities, and to provide funds for payment of~~  
38 ~~preconstruction costs, including, but not necessarily limited to,~~  
39 ~~preliminary plans and working drawings.~~

1     ~~(b) Moneys made available under Section 67340 or 67342 may~~  
2     ~~be used to provide short-term loans to community colleges for the~~  
3     ~~purchase of instructional equipment. Those loans shall be repaid~~  
4     ~~from the first moneys available in the Capital Outlay Fund for~~  
5     ~~Public Higher Education beginning in the 1989-90 fiscal year, or~~  
6     ~~from proceeds of the bonds.~~

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